

*cc: Powertech, Custer & Fall River
Co. Comm., Review Agencies,
JP, S+M/D, BME List,
Charmaine White Face,
Debra White Plume, &
Elizabeth Lorina.*

NOTICE OF HEARING
NOMINATION OF LANDS TO THE PRELIMINARY LIST OF SPECIAL, EXCEPTIONAL,
CRITICAL, OR UNIQUE LANDS

Notice is hereby given that the South Dakota Department of Environment and Natural Resources has received three petitions to nominate lands for inclusion on the preliminary list of special, exceptional, critical, or unique lands. These petitions were received from Charmaine White Face and the Defenders of the Black Hills, PO Box 2003, Rapid City, SD 57709-2003, Debra White Plume, PO Box 71, Manderson, SD 57756-0071, and the Oglala Sioux Tribe, through its attorney, Elizabeth Lorina, Gonzalez Law Firm, 522 7th Street, Suite 202, Rapid City, SD 57701. The nominated area includes land 12 to 17 miles northwest of Edgemont, South Dakota.

These nominating petitions pertain to a "Request for Determination of Special, Exceptional, Critical, or Unique Lands and Notice of Intent to Operate" submitted by Powertech (USA), Inc., PO Box 812, Edgemont, SD 57735-0812. The Notice of Intent to Operate involves a proposed in situ leach mining operation that will mine uranium from the Fall River and Lakota Formation in the Dewey-Burdock region northwest of Edgemont, South Dakota.

The legal description of the nominated area is E1/2 NE1/4, E1/2 SE1/4, SW1/4 SE1/4, S1/2 NW1/4 SE1/4, SE1/4 SW1/4, and S1/2 NE1/4 SW1/4 Section 20, W1/2, W1/2 W1/2 NE1/4, and W1/2 NW1/4 SE1/4 Section 21, S1/2 Section 27, N1/2 NW1/4, SW1/4 NW1/4, and SW1/4 Section 28, Section 29, Section 30, E1/2 Section 31, Section 32, NW1/4, SW1/4, SE1/4, and S1/2 NE1/4 Section 33, Section 34, and Section 35; T6S-R1E, Custer County and Section 1, Section 2, Section 3, W1/2 W1/2 Section 4, Section 5, Section 10, Section 11, Section 12, NW1/4, W1/2 NE1/4, and NE1/4 NE1/4 Section 14, and N1/2 Section 15; T7S-R1E, Fall River County.

In accordance with SDCL 45-6B and SDCL 1-26, a consolidated hearing on the petitions to nominate the land to be included on the preliminary list of special, exceptional, critical, or unique lands will take place before the South Dakota Board of Minerals and Environment on February 19, 2009, at 11:00 AM CST. The hearing will be held at the Matthew Environmental Education and Training Center, 523 East Capitol Avenue, Pierre, South Dakota.

This hearing is an adversary proceeding. Those wishing to intervene may do so by filing a petition to intervene in accordance with ARSD Chapter 74:09:01. The final date for filing a petition to intervene and become a party to the contested case hearing is February 17, 2009. Any person that becomes party to the proceeding has the following rights at the hearing: to be present, to be represented by a lawyer. These and other due process rights will be forfeited if not exercised at the hearing. The decision of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Persons interested in presenting data, opinions, and arguments for or against any of the nominating petitions may do so by appearing in person at the hearing or by sending such information to the Minerals and Mining Program, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Written objections to or statements in support of the nominating petitions should be submitted to the Minerals and Mining Program no later than February 18, 2009.

If the amount in controversy exceeds two thousand five hundred dollars or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the public hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making special arrangements is (605) 773-4201.

Persons desiring further information regarding this hearing may contact either Eric Holm or Roberta Fivecoate, Minerals and Mining Program, at the above address or by calling (605) 773-4201.

Steven M. Pirner
Secretary
Department of Environment and Natural Resources

January 26, 2009

Black Hills Pioneer
ATTN: LEGAL AD DEPARTMENT
PO Box 7
Spearfish, SD 57783-0007

Dear Paula:

Please publish the enclosed notice in your paper as "legal notice" for **two** issues on **February 5 and 12, 2009**. If for any reason you are unable to publish this notice on the dates specified, please immediately notify the Minerals and Mining Program at 773-4201.

After publication, submit a statement of billing for publishing the notice along with an Affidavit of Publication. Your billing should be sent to the following:

Minerals and Mining Program
523 East Capitol Avenue
Pierre, SD 57501-3182

Sincerely,



Patty McQuay
Minerals and Mining Program
(605) 773-3755

Enclosure: Powertech Notice of Hearing

January 26, 2009

Brookings Register
ATTN: LEGAL AD DEPARTMENT
PO Box 177
Brookings, SD 57006-0177

Dear Sir:

Please publish the enclosed notice in your paper as "legal notice" for **two** issues on **February 5 and 12, 2009**. If for any reason you are unable to publish this notice on the dates specified, please immediately notify the Minerals and Mining Program at 773-4201.

After publication, submit a statement of billing for publishing the notice along with an Affidavit of Publication. Your billing should be sent to the following:

Minerals and Mining Program
523 East Capitol Avenue
Pierre, SD 57501-3182

Sincerely,



Patty McQuay
Minerals and Mining Program
(605) 773-3755

Enclosure: Powertech Notice of Hearing

January 26, 2009

Capital Journal
ATTN: LEGAL AD DEPARTMENT
PO Box 878
Pierre, SD 57501-0878

Dear Sir:

Please publish the enclosed notice in your paper as "legal notice" for **two** issues on **February 5 and 12, 2009**. If for any reason you are unable to publish this notice on the dates specified, please immediately notify the Minerals and Mining Program at 773-4201.

After publication, submit a statement of billing for publishing the notice along with an Affidavit of Publication. Your billing should be sent to the following:

Minerals and Mining Program
523 East Capitol Avenue
Pierre, SD 57501-3182

Sincerely,



Patty McQuay
Minerals and Mining Program
(605) 773-3755

Enclosure: Powertech Notice of Hearing

January 26, 2009

Edgemont Herald-Tribune
ATTN: LEGAL AD DEPARTMENT
PO Box 660
Edgemont, SD 57735-0660

Dear Sir:

Please publish the enclosed notice in your paper as "legal notice" for **two** issues on **February 4 and 11, 2009**. If for any reason you are unable to publish this notice on the dates specified, please immediately notify the Minerals and Mining Program at 773-4201.

After publication, submit a statement of billing for publishing the notice along with an Affidavit of Publication. Your billing should be sent to the following:

Minerals and Mining Program
523 East Capitol Avenue
Pierre, SD 57501-3182

Sincerely,



Patty McQuay
Minerals and Mining Program
(605) 773-3755

Enclosure: Powertech Notice of Hearing

January 26, 2009

Rapid City Journal
ATTN: LEGAL AD DEPARTMENT
PO Box 450
Rapid City, SD 57709-0450

Dear Pattie:

Please publish the enclosed notice in your paper as "legal notice" for **two** issues on **February 5 and 12, 2009**. If for any reason you are unable to publish this notice on the dates specified, please immediately notify the Minerals and Mining Program at 773-4201.

After publication, submit a statement of billing for publishing the notice along with an Affidavit of Publication. Your billing should be sent to the following:

Minerals and Mining Program
523 East Capitol Avenue
Pierre, SD 57501-3182

Sincerely,



Patty McQuay
Minerals and Mining Program
(605) 773-3755

Enclosure: Powertech Notice of Hearing